

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHAEL MILTON,)	
)	
Plaintiff,)	
vs.)	Case No. 20-1038-EFM
)	
KENNETH MAIN, and)	
COMMUNITY WHOLESALE TIRE DIS. INC.,)	
)	
Defendants.)	
)	

**AGREED ORDER AUTHORIZING INSPECTION AND REPRODUCTION OF
MEDICAL RECORDS AND PROTECTED HEALTH INFORMATION PURSUANT TO
STATE AND FEDERAL LAW (HIPAA) AND NOTIFICATION OF WAIVER OF
PHYSICIAN-PATIENT PRIVILEGE**

TO: All Hospitals, Clinics, Pharmacies, Physicians, Social Workers, Psychiatrists, Psychologists, Therapists, Governmental Agencies (State and Federal); All Other Medical Institutions, Practitioners and Health Care Providers, Past and Present.

This matter comes before the Court on the application of the parties for an order authorizing all healthcare providers who have provided care and/or treatment to **KENNETH MAIN**, to produce any and all healthcare information within their custody and/or control pertaining to said person. Plaintiff appears by and through his counsel of record, Jeffrey A. Wilson and Dustin L. DeVaughn of DeVaughn James Injury Lawyers. Defendant, Kenneth Main, appears by and through counsel of record, Jacob L. Kurtz and Patric S. Linden of Case Linden, PC. Defendant, Community Wholesale Tire Dis. Inc. appears by and through counsel of record, Scott E. Sanders of McDonald Tinker PA.

WHEREUPON, the Court, after reviewing the files and records, hearing statements of counsel and being fully and duly advised in the premises finds:

You are hereby authorized pursuant to the laws of Kansas and applicable federal law, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA), to make available for examination and reproduction to **KENNETH MAIN, REPRESENTATIVES OF CASE LINDEN P.C. (INCLUDING JACOB L. KURTZ AND PATRIC S. LINDEN), AND COMPEX LEGAL SERVICES, INC.** any and all medical records of any type or nature whatsoever and/or any protected health information within your care, custody or control concerning **KENNETH MAIN, date of birth 9/16/1963 and Social Security Number xxx-xx-6167.**

Medical documents and protected health information subject to this order are limited to: **Every page of the entire medical chart of KENNETH MAIN from 4/11/2018 to 7/11/18 including secondary records** (including but not limited to all records pertaining to the examination, diagnosis, care and treatment of the patient, patient intake and registration forms; patient insurance and identification information; office narratives; progress notes; prescription orders; lab results; nurse and physician assistant notes; consultation report; order sheets; handwritten notes; and, radiological and laboratory reports, itemized billing statements listing all charges, radiographic films, photographs and videotapes).

This Court specially finds the above requested information necessary to this proceeding because this matter is an action to recover damages on account of alleged conduct of Kenneth Main while operating a motor vehicle that may be subject to certain regulations promulgated by the Federal Motor Carrier Safety Administration. Unless specifically excluded by this Order, **ALL** medical records and protected health information related to Kenneth Main in your possession may be produced or made available for inspection. Said inspection and reproduction may be requested by any attorney of record for Kenneth Main herein as set forth below, and clerical fees and

expenses as permitted under K.S.A. 65-4971 shall be paid by the attorney requesting such examination, reproduction or interview.

This Order complies with HIPAA federal standards for privacy of individually identifiable health information, 45 C.F.R. Parts 160 and 164 and Kansas Statute, K.S.A. 60-427, Physician-Patient Privilege.

This Order shall be effective throughout the pendency of this action and is effective as of the date and time shown on the electronic file stamp.

Dated December 23, 2020, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

APPROVED BY:

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